

Esterkin, Richard W.

From: Esterkin, Richard W.
Sent: Sunday, July 11, 2021 11:25 AM
To: 'rashodian@schollashodian.com'
Cc: Young, Michaela Dragalin
Subject: RE: Bolger - Motion for Reconsideration

Roger:

I believe that you misapprehended my prior e-mail, which noted that your client is currently in violation of two discovery orders and demanded compliance with those orders prior to the close of business on Monday. Notably, your e-mail does not address your client's failure to produce documents as ordered by the Court. Accordingly, as stated in my earlier e-mail, unless we receive the documents that the Court ordered your client to produce prior to the close of business on Monday, we will file a motion seeking sanctions due to your client's failure to comply with the Court's orders.

As of now, Chase has not filed a response to your client's motion for reconsideration. As a result, you are free to withdraw or amend that motion as you see fit. If you elect to do so, I would appreciate it if you could do so well before the current deadline to respond to the pending motion (July 21, 2021) so that I do not have to waste time preparing an opposition to a motion that you do not intend to prosecute.

Thank you for your consideration.

Richard W. Esterkin

Morgan, Lewis & Bockius LLP

300 South Grand Avenue, Twenty-Second Floor | Los Angeles, CA 90071-3132

Direct: +1.213.612.1163 | Main: +1.213.612.2500 | Fax: +1.213.612.2501 |

Cell: +1.310.903.2080

Richard.Esterkin@morganlewis.com | www.morganlewis.com

Assistant: Ismael G. Solano | +1.213.612.7410 | Ismael.Solano@morganlewis.com

From: rashodian@schollashodian.com <rashodian@schollashodian.com>

Sent: Friday, July 09, 2021 12:30 PM

To: Esterkin, Richard W. <richard.esterkin@morganlewis.com>

Cc: Young, Michaela Dragalin <michaela.young@morganlewis.com>

Subject: Re: Bolger - Motion for Reconsideration

[EXTERNAL EMAIL]

Dear Richard,

Thank you for clarifying the course of events with respect to the motions your firm filed on behalf of Chase. Based on the clarification, we would plan to file an amended version of the Motion for Reconsideration unless we can reach an agreement to settle all outstanding discovery matters. However, since I have deadlines today and a trial on Monday, it is unlikely I will be able to file the amended version of the Motion for Reconsideration by Monday as you have requested. Therefore, I would request that we either try to settle the

matter, or you give us until the end of next week to amend the Motion for Reconsideration and to provide further discovery responses.

Thank you,
Roger V. Ashodian

Scholl Ashodian
101 West Chester Pike, Suite 1A
Havertown, PA 19083
(610) 446-6800, ext. 104
(610) 446-6808 - FAX

"I should like to see any power of the world destroy this race, this small tribe of unimportant people, whose wars have all been fought and lost, whose structures have crumbled, literature is unread, music is unheard, and prayers are no more answered. Go ahead, destroy Armenia. See if you can do it. Send them into the desert without bread or water. Burn their homes and churches. Then see if they will not laugh, sing and pray again. For when two of them meet anywhere in the world, see if they will not create a New Armenia." • [William Saroyan](#)

On 2021-07-07 14:27, Esterkin, Richard W. wrote:

Roger:

I briefly reviewed Ms. Bolger's latest motion for reconsideration (Docket No. 128) and believe that it is based upon a misapprehension as to the relevant facts. In particular:

- On December 10, 2020, Chase served a set of requests for production of documents upon Ms. Bolger seeking, in general, financial information, including copies of Ms. Bolger's tax returns. That led to Chase filing a motion to compel production of the requested documents (Docket No. 100), which was granted by an order entered May 12, 2021 (Docket No. 121). That order directed Ms. Bolger to produce the requested documents within 21 days of the order, or on or before June 11. To date, no documents have been produced pursuant to that order. Accordingly, Ms. Bolger is currently in violation of that order.
- On April 9, 2021, Chase served a second set of requests for production of documents upon Ms. Bolger seeking, in general, documents pertaining to her efforts to obtain financing. When Ms. Bolger failed to respond to that request for production, on May 28, 2021, Chase filed a motion to compel production of the requested documents (Docket No. 123). That motion was granted

by an order entered June 22, 2021 (Docket No. 125). That order directed Ms. Bolger to produce the requested documents within 10 days of the date of the order or on or before July 3, 2021. To date, no documents have been produced pursuant to that order. Accordingly, Ms. Bolger is currently in violation of that order.

- It appears that the pending motion for reconsider is based upon the belief that the Court's June 22, 2021 order somehow relates to the Court's May 12, 2021 order, which is not the case – there are two separate orders dealing with two separate requests for production. Accordingly, I would request that you withdraw the pending motion for reconsideration, which Chase intends to oppose for the foregoing reason, among others.

Apart from the pending motion for reconsideration, as stated above, Ms. Bolger is currently in violation of two separate orders directing her to produce documents. Absent production of the requested documents on or before Monday, July 12, 2021, Chase will file a motion seeking further sanctions in the form of the dismissal of Ms. Bolger's Chapter 13 case and a prohibition on Ms. Bolger filing a subsequent bankruptcy case within six months.

Thank you for your attention to this matter.

Richard W. Esterkin

Morgan, Lewis & Bockius LLP

300 South Grand Avenue, Twenty-Second Floor | Los Angeles, CA 90071-3132

Direct: +1.213.612.1163 | Main: +1.213.612.2500 | Fax: +1.213.612.2501 |

Cell: +1.310.903.2080

Richard.Esterkin@morganlewis.com | www.morganlewis.com

Assistant: Ismael G. Solano | +1.213.612.7410 | Ismael.Solano@morganlewis.com

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.